CF0000147856

(2) of 2003

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. No. 1447 of 2003

1. SANTOSH KUMAR SHARMA SON OF LATE KANHAIYA LAL SHARMA, AGED 39 YEARS PROPRIETOR, M/S. SHANTI PARBOILING AND DRIER PLANT RESIDENT OF MAIN ROAD BHILAI 3 DISTT. DURG.
2. SMT. SIDDHI DEVI SHARMA WIDOW OF LATE RAMNARAYAN SHARMA ADULT RESIDENT OF MAIN ROAD, BHILAI DISTT. DURG.

PETITIONERS

VERSUS

1. UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND ALSO THROUGH THE SECRETARY, MINISTRY OF FINANCE, NEW DELHI.
2. STATE BANK OF INDIA, A BANKING COMPANY CONSTITUTED UNDER THE RELEVANT PROVISIONS OF STATE BANK OF INDIA ACT, 1955, HAVING ITS INTERALIA AMONGST OFFICES A BRANCH OFFICE AT NEORA, RAILWAY STATION TILDA, ROAD, RAIPUR

RESPONDENTS

C/R 30/4/03 Clerk BAS Counsel

P. R. No. 1264/03 Presented by Shri Vinod Lalchandani dated 30.04.03

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S), AND/OR DIRECTION(S) IN THE NATURE OF WRITS

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(127)

आदेश पत्रक

मामला क्रमांक W.P. 1447 सन् 2003

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ
& HON'BLE SHRI FAKHRUDDIN, J.

29/06/2004: -

Shri B.P. Sharma counsel for the petitioners.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondent No.1.

Shri Shailendra Shukla counsel for the respondent No.2.

Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed.

However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

[पीछे देखिये